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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,814	12/20/2001	Azmi B. Osman	27006-0002	9480

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EXAMINER

VAN PELT, BRADLEY J

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/027,814	Applicant(s) OSMAN, AZMI B.	
	Examiner Bradley J Van Pelt	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-6, 10, 12-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Onozaki (JP 11-280548).

Onozaki discloses an oil pan for an engine comprising: a plurality of substantially parallel, spaced-apart reinforcement channels (see Fig. 3 bottom grooves) extending from adjacent a first end (23) of the oil pan to adjacent a second end (thinner area) of the oil pan, each channel having a base and two sides and an open top, the channels tapering downwardly from the first end and the second end towards an accumulation area (see fig. 1 flat circular portion 28) of the oil pan; wherein the reinforcement channels are substantially U-shaped; the second end of the oil pan has an end surface which is substantially planar; said end surface has no tool access pockets therein; wherein adjacent the second end and intermediate the width of the second end, the oil pan has a region (3) of reduced height, and wherein the region of reduced height having a planar portion into which the at least one reinforcing channel does not extend; wherein the taper is created by curving the channels with a large radius of curvature; wherein the oil pan has a main body, the main body having two side walls (21, 22), a first end wall (23), and a base (25), and wherein the accumulation area is integral with the base; the oil pan has a region of reduced height and the main body has a second end wall (20) which tapers into the region of reduced

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height; wherein there are no channels in the accumulation area; the channels extend up the first end wall but at a reducing height up the first end wall (see figs. 2 and 3 outline of channels extend up wall); wherein the channels along the base are of a height which is less than their height in the region of reduced height; wherein there are three channels.

3. Claims 1, 2, 4, 5, 6, 10, 12-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Moller (USPN 4,395,982).

Moller discloses an oil pan for an engine comprising: a plurality of substantially parallel, spaced-apart reinforcement channels (U shaped recesses in fig. 2) extending from adjacent a first end (left end in fig. 1) of the oil pan to adjacent a second end (right end of fig. 1) of the oil pan, each channel having a base and two sides and an open top, the channels tapering downwardly from the first end and the second end towards an accumulation area (see fig. 2) of the oil pan; wherein the reinforcement channels are substantially U-shaped;

the second end of the oil pan has an end surface which is substantially planar (flat rim-like surface);

said end surface has no tool access pockets therein;

wherein adjacent the second end and intermediate the width of the second end, the oil pan has a region of reduced height, and wherein the region of reduced height having a planar portion into which the at least one reinforcing channel does not extend (the number of channels on the left and right sides are not equal therefor one of them does not extent to reduced height portion); wherein the taper is created by curving the channels;

wherein the oil pan has a main body, the main body having two side walls, a first end wall, and a base, and wherein the accumulation area is integral with the base;

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the oil pan has a region of reduced height and the main body has a second end wall which tapers into the region of reduced height (side portions taper into area of reduced height);

wherein there are no channels in the accumulation area (portion at the bottom that extends lowest has no channels therein, see fig. 1);

the channels extend up the first end wall but at a reducing height up the first end wall; wherein there are three channels.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onozaki (JP 11-280548) in view of Hofbauer et al. (USPN 4,296,716).

Onozaki discloses all of the instantly claimed invention except the reinforcement channels are V-shaped.

Hofbauer et al. show reinforcement channels that are V-shaped. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the channels in a V-shape, since Hofbauer et al. state at column 3, lines 43-48, that such a modification would ensure better cooling of the oil.

6. Claims 7-9 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onozaki (JP 11-280548) in view of Takubo (USPN 4,770,276).

Onozaki does not disclose the planar portion is adapted to releasable receive thereon a horizontal portion of a substantially L-shaped cover plate; the cover plate has a substantially upright portion such that when the cover plate is mounted on the planar portion, the substantially upright portion is substantially coplanar with the end surface; wherein the substantially upright portion has a securing flange at an end thereof remote from the horizontal portion; a plurality of bolt holes are provided in each of the securing flange and the horizontal portion; wherein bolt holes are not provided in the upright portion.

Takubo discloses a planar portion is adapted to releasable receive thereon a horizontal portion (28) of a substantially L-shaped cover plate (27); the cover plate has a substantially upright portion (mid-portion) such that when the cover plate is mounted on the planar portion, the substantially upright portion is substantially coplanar with the end surface; wherein the substantially upright portion has a securing flange (30) at an end thereof remote from the horizontal portion; a plurality of bolt holes are provided in each of the securing flange and the horizontal portion; wherein bolt holes are not provided in the upright portion.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the oil pan of Onozaki with a cover plate for the purpose of reinforcing the mounting of the oil pan to the transmission.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moller in view of Hofbauer et al. (USPN 4,296,716).

Moller discloses all of the instantly claimed invention except the reinforcement channels are V-shaped.

Hofbauer et al. show reinforcement channels that are V-shaped.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the channels in a V-shape, since Hofbauer et al. state at column 3, lines 43-48, that such a modification would ensure better cooling of the oil.

8. Claims 7-9 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moller in view of Takubo (USPN 4,770,276).

Moller does not disclose the planar portion is adapted to releasable receive thereon a horizontal portion of a substantially L-shaped cover plate; the cover plate has a substantially upright portion such that when the cover plate is mounted on the planar portion, the substantially upright portion is substantially coplanar with the end surface; wherein the substantially upright portion has a securing flange at an end thereof remote from the horizontal portion; a plurality of bolt holes are provided in each of the securing flange and the horizontal portion; wherein bolt holes are not provided in the upright portion.

Takubo discloses a planar portion is adapted to releasable receive thereon a horizontal portion (28) of a substantially L-shaped cover plate (27); the cover plate has a substantially upright portion (mid-portion) such that when the cover plate is mounted on the planar portion, the substantially upright portion is substantially coplanar with the end surface; wherein the substantially upright portion has a securing flange (30) at an end thereof remote from the horizontal portion; a plurality of bolt holes are provided in each of the securing flange and the horizontal portion; wherein bolt holes are not provided in the upright portion.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the oil pan of Moller with a cover plate for the purpose of reinforcing the mounting of the oil pan to the transmission.

Response to Arguments

9. Applicant's arguments filed March 5, 2004 have been fully considered but they are not persuasive.

Applicant argues that Onozaki does not disclose the channels tapering downwardly from the first end and the second end towards an accumulation area. In detail, the applicant argues Onozaki's channels, as shown in figs. 1 and 2, "do not extend downwardly from the first end and the second end to the flat circular portion 28," because the area 28 is higher than the area near and to the right of numeral 2 in fig. 2. Nonetheless, the channels in Onozaki extend upward toward numeral 24 as shown by the double line near the bend sloping upward in fig. 2. This region is higher than the accumulation area 28 or any bottom area where the oil may collect; thus, Onozaki anticipates this limitation.

Allowable Subject Matter

10. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176. The examiner can normally be reached on M-Th 7:00-4:30, 2nd F 7:00-3:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJVP




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